

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 3, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Objections

Claims 27, 35, and 41 have been objected to for lack of antecedent basis for the term “current environment”.

In response to the rejection, Applicant has amended claims 27, 35, and 41 to recite “a” current environment, instead of “the” current environment. In view of these claim amendments, Applicant respectfully submits that the claims are not objectionable and respectfully requests that the objection be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 27-31, 33, 35-37, and 39

Claims 27-31, 33, 35-37, and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin, Jr., et al. (“Martin”, U.S. Pat. No. 6,610,105) in view of Rappaport (U.S. Pub. No. 2002/0007285). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP)

section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations.

1. The Martin Disclosure

Martin discloses a method and system for providing resource access in a mobile environment. Martin, Patent Title.

As is described by Martin, portals have been designed to assist users of mobile devices to navigate the Internet as they do with a desktop computer. Martin, column 2, lines 9-12. However, because the user interface presented on the mobile device display is so different from a user interface that would be presented to the user on a desktop computer screen, the user can become confused as to how to navigate the Internet on the mobile device. Martin, column 2, lines 16-28.

In view of those problems, Martin identifies a need for techniques that provide users with a similar navigation experience on both mobile devices and desktop computers. Martin, column 2, lines 28-31. Martin proposes a system and method that addresses this need in the disclosure contained in columns 4-13. In that disclosure, Martin does not describe any method or system for discovering any services. Instead, Martin's method/system simply provides preselected hyperlinks to a user in a browser.

2. The Rappaport Disclosure

Rappaport discloses a method/apparatus/system for providing targeted information in relation to laboratory and other medical services. Rappaport, Patent Application Title. Relied upon in the Office Action to reject Applicant's claims is the following:

[0023] In one embodiment, the database is structured to include a list of codes where each code is used to identify or indicate a particular medical procedure/test. For each code in the list, the database may also contain a list of one or more definitions of the respective code. In one embodiment, the database is used to store a list of data sources identified using the one or more definitions associated with each code. In one embodiment, the database is also configured to store a set of queries associated with each code. The set of queries associated with each code is constructed based upon the one or more definitions corresponding to the respective code. In one embodiment, the list of data sources associated with a particular code is obtained by running the corresponding set of queries against various databases available on the World Wide Web (WWW) to identify one or more documents or content links or services that match the query criteria specified in the corresponding queries. In one embodiment, a selection process is performed to select the list of data sources for the respective code from

the documents or content links identified from the various web databases.

[Rappaport, paragraph 0023]

Significantly, this excerpt of the Rappaport disclosure does not identify either of (i) querying a local network for information about its current environment or (ii) checking for services on that local network. No other portion of the Rappaport disclosure is relied upon in rejecting independent claims 27 and 35.

3. Applicant's Claims

Applicant claims methods and systems for providing links to services that are available on a local network. For example, independent claim 27 provides as follows (emphasis added):

27. A method for providing links to services that are available on a local network, the method comprising:
receiving a request for web content;
querying the local network for information about a current environment;
checking for services that are available on the local network;
and
creating web content for a network browser, the web content including at least one link to a service that is available on the local network.

As is noted above, Martin does not describe any method or system for discovering any services. Therefore, the Office Action relies upon the teachings of Rappaport to account for Applicant's limitations of "querying the local network for information about a current environment" and "checking for services that are available

on the local network”. However, as is mentioned above, Rappaport teaches neither of those limitations.

In regard to the first limitation, i.e., “querying the local network for information about the current environment”, paragraph 0023 of the Rappaport disclosure is silent as to querying a “local network” for any information regarding its “current environment”. The Martin/Rappaport combination fails to render obvious claim 27 for at least this reason.

In regard to the second limitation, i.e., “checking for services that are available on the local network”, paragraph 0023 of the Rappaport disclosure only teaches the following: “In one embodiment, the list of data sources associated with a particular code is obtained by running the corresponding set of queries against various databases available on the World Wide Web (WWW) to identify one or more documents or content links or services that match the query criteria specified in the corresponding queries.” Clearly, running queries against databases available on the World Wide Web does *not* equate to checking for services that are available “on” a “local network”. Therefore, contrary to that argued in the Office Action, Rappaport does not teach or suggest “checking for services that are available on the local network”.

In view of the above, claim 27, and its dependents, are clearly allowable over Martin/Rappaport.

Martin and Rappaport are similarly deficient in relation to independent claim 35. Specifically, for reasons similar to those expressed in the foregoing, neither Martin nor Rappaport teach or suggest “logic configured to query the local network for information about the current environment” or “logic configured to check for services that are available on the local network”.

In view of the above, claim 35, and its dependents, are clearly allowable over Martin/Rappaport.

In summary, it is Applicant's position that Martin and Rappaport fail to render Applicant's claims obvious. Therefore, it is respectfully submitted that the rejection of Applicant's claims should be withdrawn.

B. Rejection of Claims 24, 32, 38, and 40

Claims 24, 32, 38, and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of Rappaport in further view of Corwin (U.S. Pub. No. 2002/0075812). Applicant respectfully traverses this rejection.

As is identified above, Martin and Rappaport fail to teach or suggest explicit limitations of claims 27 and 35. In that Corwin does not remedy this deficiency of the Martin and Rappaport references, Applicant respectfully submits that claims 9-10, which depend from claims 27 and 35, are allowable over the Martin/Rappaport/Corwin combination for at least the same reasons that claims 27 and 35 are allowable over Martin/Rappaport.

C. Rejection of Claims 41-52

Claims 41-52 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Frigon (U.S. Pub. No. 2002/0103813) in view of Smith (U.S. Pub. No. 2003/0006911). Applicant respectfully traverses this rejection.

1. The Frigon Disclosure

Frigon discloses a method and apparatus for obtaining information relating to the existence of at least one object in an image. Frigon, Patent Application Title. More

particularly, Frigon discloses a method and apparatus for enabling identification of objects and the location of those objects in an image. Frigon, paragraph 0002.

Significantly, Frigon says nothing about a service that checks for imaging services that are available on the local network.

2. The Smith Disclosure

Smith discloses an interactive advertising system and method. Smith, Patent Application Title. More particularly, Smith discloses a communication system in which multimedia content is provided to a client relative to a characteristic of the client device. Smith, paragraph 0008.

Significantly, Smith also does not teach or suggest a service that checks for imaging services that are available on the local network.

3. Applicant's Claims

Applicant's claims recite apparatus and systems that, among other things, check for imaging services that are available on a local network. For example, independent claim 41 provides as follows (emphasis added):

41. A computer, comprising:
- a network browser that is configured to receive network content;
 - a personal imaging repository that is configured to store imaging data; and
 - a thin portal service that is configured to *query a local network to which the computer is connected for information about a current environment, to check for imaging services that are available on the local network* and that are configured to access the imaging data of the

personal imaging repository, and to *create web content for the network browser*, the web content including at least one link to an imaging service that is available on the local network.

As an initial matter in relation to claim 41, the Office Action states that Frigon teaches a “computer”. Given that Frigon teaches multiple computers, Applicant respectfully submits that the rejection is unclear as to which “computer” the Office Action is identifying. This issue is significant because, in claim 41, Applicant is describing a computer that includes a browser *and* a personal imaging repository. Frigon, on the other hand, teaches a distributed system that comprises separate computers (230, 240, and 250), each storing separate system elements. Applicant notes for the record that computer 250 comprises no “browser”. Applicant accordingly requests clarification for purposes of further prosecution or appeal.

Later in the Office Action, it is acknowledged that Frigon does not teach or suggest querying a local network for information about a current environment, or checking for imaging services that are available on a local network. The Office Action therefore relies upon the Smith reference to account for those limitations. Specifically, the Office Action argues that Smith teaches a “thin portal service” that is configured to “query” and “check for services available the [sic] network” in paragraph 140. Office Action, page 6.

Applicant has reviewed paragraph 140 and finds no such teachings. That paragraph provides as follows:

[0140] FIG. 12A illustrates the interaction of a client having handheld device 16 with advertising server 22 to facilitate the identification and provision of transit geographic and time of arrival information to the client. First, the client connects to advertising server 22 through a

wireless network that includes a Wireless Application Protocol (WAP) portal 49. That is, the client uses WAP enabled handheld device 16 to connect to WAP portal 49 using Wireless Session Protocol (WSL) via the cellular communications tower 40. WAP portal 49 returns a "homepage" deck as determined by the network provider which lists the available services and links. The client is required to select the link to the WAP transportation unit location service. This link would specify the Uniform Resource Locator (URL) of advertising server 22.

Clearly, nothing in the above teaches a "thin portal device", or any device that is configured to either of "query a local network . . . a current environment," or "check for imaging services that are available on the local network and that are configured to access the imaging data of the personal imaging repository". Claim 41, and its dependents, are allowable over Frigon/Smith for at least this reason.

Turning to independent claim 50, Frigon/Smith also fail to teach or suggest a system comprising a server including a "thin portal service" that is configured to "check for imaging services that are available on the local network" for reasons described above.

Regarding independent claim 51, Frigon/Smith likewise fail to teach or suggest a system comprising a "thin portal server" that is configured to "check for imaging services that are available on the local network" for reasons described above.

4. Applicability of Frigon and Smith as "Prior Art"

References

As a further matter, Applicant notes that the Frigon and the Smith applications were published after Applicant's filing date. Accordingly, these applications only comprise "prior art" under 35 U.S.C. § 102(e). Given that the filing dates of both

applications were subsequent to Applicant's filing date, the references can only be properly cited against Applicant's claims *if* the subject matter relied upon by the Examiner was *also* disclosed in the provisional applications that the applied applications reference.

In the present case, Applicant submits that the teachings upon which the Examiner relies were not adequately disclosed in the provisional applications that the applied applications reference and that the applications are therefore not properly citable against Applicant's claims. If the Examiner disagrees with Applicant's position, Applicant requests that the Examiner explicitly identify where such teachings are disclosed in the provisional applications.

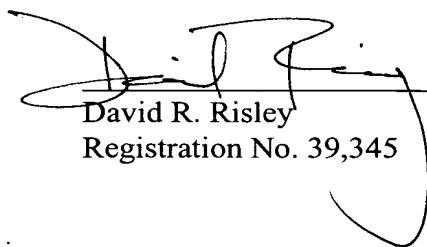
III. Improper Treatment of Claim 29

Claim 29 was presumably rejected under Martin and Rappaport, however, in describing the rejection, the Office Action "in view of Frigon (US 2002/0103813A1)." Office Action, page 4. Given that the unexplained reference to Frigon renders it impossible to ascertain the basis for the rejection of claim 29, Applicant respectfully asserts that the rejection of claim 29 is improper. Furthermore, given that Applicant has been denied an opportunity to respond to a proper art rejection of claim 29, the final status of prosecution is improper and should be withdrawn.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

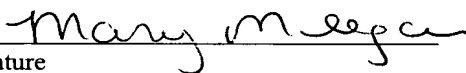
Respectfully submitted,



David R. Risley
Registration No. 39,345

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